

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LARRY GENE HEGGEM,	)	CASE NO. C08-0070-MJP-MAT
	)	
Plaintiff,	)	
	)	
v.	)	ORDER DENYING PLAINTIFF'S
	)	MOTION FOR APPOINTMENT OF
JAMES CONGDON,	)	COUNSEL
	)	
Defendant.	)	
_____	)	

The Court, having reviewed plaintiff's motion for appointment of counsel, and the balance of the record, does hereby find and ORDER:

(1) Plaintiff's motion for appointment of counsel (Dkt. No. 6) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to

01 articulate his claims pro se in light of the complexity of the legal issues involved. *Wilborn*, 789  
02 F.2d at 1331.

03 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that, in  
04 light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.  
05 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which  
06 warrant appointment of counsel at the present time.

07 (2) The Clerk shall send copies of this Order to plaintiff, to counsel for defendant, and  
08 to the Honorable Marsha J. Pechman.

09 DATED this 11th day of March, 2008.

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12 Mary Alice Theiler  
13 United States Magistrate Judge  
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